

REMARKS

Claims 1-21 are currently pending. Claims 1-21 have been rejected. Claims 5, 7, 9, 10, 19, and 21 have been withdrawn without prejudice. Claims 1-4, 6, 8, 11-18, and 20 are believed to be in condition for allowance and such favorable action is respectfully requested.

Claims 5, 7, 8, 15, 16, and 18-21 have been objected to for informal reasons. Claims 5, 7, 9, 10, 19, and 21 have been withdrawn. However, the informalities of claims 8, 15, 16, 18 and 20 have been corrected in accordance with the Examiner's suggestions.

The Examiner rejected claims 1, 2, 4, 6-9, 11, 13-16, 18, 20, and 21 under 35 U.S.C. 102(b) as being clearly anticipated by U.S. Patent No. 18,375 to Bailey, (hereinafter "Bailey"). Applicant respectfully traverses these rejections and hereby requests reconsideration.

Claim 1 has been amended to include the limitation of the mating surface of the first set of mounting brackets tapering outwardly from the frame member from top to bottom. Further, claim 1 has also been amended to include the limitation of the mating surface of the second set of mounting brackets tapering outwardly from the frame member from bottom to top. Bailey does not include this limitation. As seen in FIGS. 6 and 7, Bailey discloses a back portion C with a pair of hooks or catches f and a seat B with a plurality of lugs or projections e. Neither the hooks/catches f nor the lugs/projections e taper outwardly from their respective frame members.

Therefore, Bailey does not disclose a mating surface on the first set of mounting brackets that tapers outwardly from the frame member from top to bottom. Further, Bailey also does not disclose a mating surface on the second set of mounting brackets that tapers outwardly from the frame member from bottom to top. As the Examiner is well aware, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or

inherently described, in a single prior art reference.” Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Accordingly, Bailey does not disclose the mating surface of the first set of mounting brackets tapering outwardly from the frame member from top to bottom. Further, Bailey does not disclose the mating surface of the second set of mounting brackets tapering outwardly from the frame member from bottom to top. Therefore, Applicant submits the rejection of claim 1 under §102 based on Bailey is improper and should be withdrawn. Such action is respectfully requested.

Therefore, for at least the reasons stated above, claim 1 is believed to be in condition for allowance and it is respectfully requested that the rejection of the claim be withdrawn. As claims 2-4 and 6 depend from independent claim 1, these claims are also believed to be in condition for allowance, at a minimum, by virtue of their dependence from an allowable base claim. Such favorable action is respectfully requested.

Claim 8 was also rejected under 35 U.S.C. 102(b) as being clearly anticipated by Bailey. Examiner states that Bailey discloses a pair of side panels C in FIG. 2 with a first set of mounting brackets. Applicant respectfully disagrees. As seen in FIG. 2 and as stated in the specification, the part designated by the letter C is seat back and not a side panel. A seat back C is clearly not a side panel. Thus, as Bailey does not have a pair of side panels with a first set of mounting brackets, Bailey does not include all the limitations of claim 8.

Further, claim 8 has been amended to include the limitation of the first and second sets of mounting brackets including left and right mounting brackets and the left and right mounting brackets being mirror images of one another. Bailey does not include this limitation. Bailey does not include a pair of side panels and a seat portion, both of which having left and right mounting brackets. In contrast, the back portion C of Bailey has one type of mounting

bracket f and the seat portion B has another type of mounting bracket e. The back portion C and the seat portion B both do not have left and right mounting brackets. Further, Bailey does not contain the limitation of the pair of side panels and the seat portion having left and right mounting brackets wherein the left and right mounting brackets are mirror images of one another.

Accordingly, Bailey does not contain a pair of side panels with a first set of mounting brackets. Further, Bailey does not disclose first and second sets of mounting brackets including left and right mounting brackets wherein the left and right mounting brackets are mirror images of one another. As the Examiner is well aware, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Bailey does not disclose all the limitations of claim 8. Therefore, Applicant submits the rejection of claim 8 under §102 based on Bailey is improper and should be withdrawn. Such action is respectfully requested.

Therefore, for at least the reasons stated above, claim 8 is believed to be in condition for allowance and it is respectfully requested that the rejection of the claim be withdrawn. As claims 11-14 depend from independent claim 8, these claims are also believed to be in condition for allowance, at a minimum, by virtue of their dependence from an allowable base claim. Such favorable action is respectfully requested.

Claim 15 was also rejected under 35 U.S.C. 102(b) as being clearly anticipated by U.S. Patent No. 18,375 to Bailey, (hereinafter “Bailey”).

First, as stated above with respect to claim 8, the Examiner stated that Bailey discloses a pair of side panels C in FIG. 2 with a first means for attaching. Applicant

respectfully disagrees. As seen in FIG. 2 and as stated in the specification, the part designated by the letter C is seat back and not a side panel. A seat back C is clearly not a side panel. Thus, since Bailey does not have a side panel with a first means for attaching, Bailey clearly does not include all the limitations of claim 15.

Further, claim 15 has been amended to include the limitation of the first means for attaching having a mating surface that tapers outwardly from the side panels from bottom to top. Further, claim 15 has also been amended to include the limitation of the second means for attaching having a mating surface that tapers outwardly from the seat portion from top to bottom. Bailey does not include this limitation. As stated above with respect to claim 1 and as seen in FIGS. 6 and 7, Bailey discloses a back portion C with a pair of hooks or catches f and a seat B with a plurality of lugs or projections e. Neither the hooks/catches f nor the lugs/projections e taper outwardly from the back or the seat, respectively.

Therefore, Bailey does not disclose all the limitations of claim 15. Specifically, Bailey does not disclose a pair of side panels with a first means for attaching. Further, Bailey does not disclose a first means for attaching having a mating surface that tapers outwardly from the side panels from bottom to top. Still further, Bailey also does not disclose a second means for attaching having a mating surface that tapers outwardly from the seat portion from top to bottom. As the Examiner is well aware, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Bailey does not disclose all the limitations of claim 15. Therefore, Applicant submits the rejection of claim 15 under §102 based on Bailey is improper and should be withdrawn. Such action is respectfully requested.

Therefore, for at least the reasons stated above, claim 15 is believed to be in condition for allowance and it is respectfully requested that the rejection of the claim be withdrawn. As claims 16-18, and 20 depend from independent claim 15, these claims are also believed to be in condition for allowance, at a minimum, by virtue of their dependence from an allowable base claim. Such favorable action is respectfully requested.

The Examiner rejected claims 1, 2, 4, 6, 8, 9, 11, 13, 15, 16, 18, and 20 under 35 U.S.C. 102(b) as being clearly anticipated by U.S. Patent No. 2,914,118 to Sawyers, (hereinafter "Sawyers"). Applicant respectfully traverses these rejections and hereby requests reconsideration.

As stated above, claim 1 has been amended to include the limitation of the mating surface of the first set of mounting brackets tapering outwardly from the frame member from top to bottom. Claim 1 has also been amended to include the limitation of the mating surface of the second set of mounting brackets tapering outwardly from the frame member from bottom to top. Sawyers does not include this limitation. As seen in FIG. 2, Sawyers discloses two separate interlocking assemblies 22 and 23 used to couple the sides 17 to the seat 12. Specifically, as seen in FIGS. 5 and 6, the first interlocking assembly 22 contains a pair of flanges 47, 57 used to couple the front portion of the seat 12 to the side 17. The flanges 47, 57 do not taper outwardly from top to bottom or from bottom to top from their respective frame members.

Further, as seen in FIG. 8, the second interlocking assembly 23 contains a flanged bracket element 75 and a mating bracket element 85. The second interlocking assembly 23 is used to couple the rear portion of the seat 12 to the side 17. As stated in the specification and shown in FIG. 8 of Sawyers, the bracket tapers in a downward direction from top to bottom. *See* Col. 4 line 4. However, neither the flanged bracket element 75 nor the mating bracket element

85 taper outwardly from top to bottom or from bottom to top from their respective frame members.

Therefore, Sawyers does not disclose a mating surface on the first set of mounting brackets that tapers outwardly from the frame member from top to bottom. Further, Sawyers also does not disclose a mating surface on the second set of mounting brackets that tapers outwardly from the frame member from bottom to top. As the Examiner is well aware, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Accordingly, Sawyers does not disclose all of the limitations of claim 1. Therefore, Applicant submits the rejection of claim 1 under §102 based on Sawyers is improper and should be withdrawn. Such action is respectfully requested.

Therefore, for at least the reasons stated above, claim 1 is believed to be in condition for allowance and it is respectfully requested that the rejection of the claim be withdrawn. As claims 2, 4, and 6 depend from independent claim 1, these claims are also believed to be in condition for allowance, at a minimum, by virtue of their dependence from an allowable base claim. Such favorable action is respectfully requested.

Claim 8 was also rejected under 35 U.S.C. 102(b) as being clearly anticipated by Sawyers. Claim 8 has been amended to include the limitation of the first and second sets of mounting brackets including left and right mounting brackets wherein the left and right mounting brackets are mirror images of one another. Sawyers does not include this limitation. Sawyers does not include a pair of side panels having left and right mounting brackets that are mirror images of one another. Further Sawyers does not include a seat portion having left and right

mounting brackets that are mirror images of one another. In contrast, Sawyers discloses two separate interlocking assemblies 22 and 23 used to couple the sides 17 to the seat 12. Specifically, as seen in FIGS. 5 and 6, the first interlocking assembly 22 contains a pair of flanges 47, 57 used to couple the front portion of the seat 12 to the side 17. Further, the second interlocking assembly 23 contains a flanged bracket element 75 and a mating bracket element 85. Flange 47 and bracket 75 are located on the side panel 17 while flange 57 and bracket 85 are located on the seat 12. Flange 47 and bracket 75 are not left and right brackets that are mirror images of one another. Further, flange 57 and bracket 85 are not left and right brackets that are mirror images of one another.

Accordingly, Sawyers does not contain a pair of side panels and a seat first and second set of mounting brackets, including left and right mounting brackets and the left and right mounting brackets being mirror images of one another. As the Examiner is well aware, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Sawyers does not disclose all the limitations of claim 8. Therefore, Applicant submits the rejection of claim 8 under §102 based on Sawyers is improper and should be withdrawn. Such action is respectfully requested.

Therefore, for at least the reasons stated above, claim 8 is believed to be in condition for allowance and it is respectfully requested that the rejection of the claim be withdrawn. As claims 11-14 depend from independent claim 8, these claims are also believed to be in condition for allowance, at a minimum, by virtue of their dependence from an allowable base claim. Such favorable action is respectfully requested.

Claim 15 was also rejected under 35 U.S.C. 102(b) as being clearly anticipated by Sawyers. Claim 15 has been amended to include the limitation of the first means for attaching having a mating surface that tapers outwardly from the side panels from bottom to top. Further, claim 15 has also been amended to include the limitation of the second means for attaching having a mating surface that tapers outwardly from the seat portion from top to bottom. Sawyers does not include this limitation. As seen in FIG. 2, Sawyers discloses two separate interlocking assemblies 22 and 23 used to couple the sides 17 to the seat 12. FIGS. 5 and 6 show the first interlocking assembly 22 consisting of a pair of flanges 47, 57 that are used to couple the front portion of the seat 12 to the side 17. The flanges 47, 57 do not taper outwardly from top to bottom or from bottom to top from their respective frame members. FIG. 8 shows the second interlocking assembly 23 containing a flanged bracket element 75 and a mating bracket element 85. The second interlocking assembly 23 is used to couple the rear portion of the seat 12 to the side 17. Neither the flanged bracket element 75 nor the mating bracket element 85 taper outwardly from top to bottom or from bottom to top from their respective frame members.

Therefore, Sawyers does not disclose a pair of side panels with a first means for attaching having a mating surface that tapers outwardly from the side panels from bottom to top. Further, Sawyers also does not disclose a second means for attaching having a mating surface that tapers outwardly from the seat portion from top to bottom. As the Examiner is well aware, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Sawyers does not disclose all the limitations of claim 15. Therefore, Applicant submits the rejection of claim 15

under §102 based on Sawyers is improper and should be withdrawn. Such action is respectfully requested.

Therefore, for at least the reasons stated above, claim 15 is believed to be in condition for allowance and it is respectfully requested that the rejection of the claim be withdrawn. As claims 16-18, and 20 depend from independent claim 15, these claims are also believed to be in condition for allowance, at a minimum, by virtue of their dependence from an allowable base claim. Such favorable action is respectfully requested.

The Examiner also rejected claims 1-6, 8-13 and 15-20 under 35 U.S.C. 102(b) as being clearly anticipated by U.S. Patent No. 6,241,317 to Wu, (hereinafter "Wu"). Applicant respectfully traverses these rejections and hereby requests reconsideration.

As stated above, claim 1 has been amended to include the limitation of the mating surface of the first set of mounting brackets tapering outwardly from the frame member from top to bottom. Claim 1 has also been amended to include the limitation of the mating surface of the second set of mounting brackets tapering outwardly from the frame member from bottom to top. Wu does not include this limitation. As seen in FIG. 2, Wu discloses a plurality of first and second retainers 70, 80 for mounting the armrests 5 to the left and right sides of the seat 3. Referring now to FIGS. 4 and 5, the first and second retainers 70, 80 are shown. The first retainer contains a mounting plate 700 with side edges 701 that are inclined downwardly and inwardly. However, the opposite side edges do not taper outwardly from the frame member from bottom to top or from the top to the bottom. In contrast, the side edges 701 remain at a constant distance from the mounting plate 700 and the frame member 3 to which they are attached. The second retainer 80 contains an insert plate 800 with two downwardly and inwardly inclined opposite sides 803, 804 that interconnect with the flanges 702 of the first retainer.

However, the downwardly and inwardly inclined opposite sides 803, 804 do not taper outwardly from the frame member from bottom to top or from the top to the bottom. In contrast, the sides 803, 804 remain at a constant distance from the plate 800 and the frame members 5 to which they are attached.

Thus, Wu does not disclose a mating surface on the first set of mounting brackets that tapers outwardly from the frame member from top to bottom. Further, Wu also does not disclose a mating surface on the second set of mounting brackets that tapers outwardly from the frame member from bottom to top. As the Examiner is well aware, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Accordingly, Wu does not disclose all the limitations of claim 1. Therefore, Applicant submits the rejection of claim 1 under §102 based on Wu is improper and should be withdrawn. Such action is respectfully requested.

Therefore, for at least the reasons stated above, claim 1 is believed to be in condition for allowance and it is respectfully requested that the rejection of the claim be withdrawn. As claims 2, 4, and 6 depend from independent claim 1, these claims are also believed to be in condition for allowance, at a minimum, by virtue of their dependence from an allowable base claim. Such favorable action is respectfully requested.

Claim 8 was also rejected under 35 U.S.C. 102(b) as being clearly anticipated by Wu. Claim 8 has been amended to include the limitation of the first and second sets of mounting brackets including left and right mounting brackets wherein the left and right mounting brackets are mirror images of one another. Wu does not include this limitation. Wu does not include a pair of side panels having left and right mounting brackets that are mirror images of one another.

Further, Wu does not include a seat portion having left and right mounting brackets that are mirror images of one another. In contrast Wu discloses one similar set of brackets 80 located on the armrests 5 and another similar set of brackets 70 located on the seat 3. Thus, Wu discloses similar sets of brackets 70 and 80 on specific pieces 3 and 5 respectively. Wu does not, however disclose a left and right mounting bracket located on the side panels. Further, Wu does not disclose a left and right mounting bracket located on the seat. Still further, Wu does not disclose left and right mounting brackets that are mirror images of one another.

Accordingly, Wu does not contain a pair of side panels and a seat first and second sets of mounting brackets including left and right mounting brackets wherein the left and right mounting brackets are mirror images of one another. As the Examiner is well aware, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Wu does not disclose all the limitations of claim 8. Therefore, Applicant submits the rejection of claim 8 under §102 based on Wu is improper and should be withdrawn. Such action is respectfully requested.

Therefore, for at least the reasons stated above, claim 8 is believed to be in condition for allowance and it is respectfully requested that the rejection of the claim be withdrawn. As claims 11-14 depend from independent claim 8, these claims are also believed to be in condition for allowance, at a minimum, by virtue of their dependence from an allowable base claim. Such favorable action is respectfully requested.

Claim 15 was also rejected under 35 U.S.C. 102(b) as being clearly anticipated by Wu. Claim 15 has been amended to include the limitation of the first means for attaching having a mating surface that tapers outwardly from the side panels from bottom to top. Further,

claim 15 has also been amended to include the limitation of the second means for attaching having a mating surface that tapers outwardly from the seat portion from top to bottom. Wu does not include this limitation.

As stated above with respect to claim 1 and as seen in FIG. 2, Wu discloses a plurality of first and second retainers 70, 80 for mounting the armrests 5 to the left and right sides of the seat 3. Referring now to FIGS. 4 and 5, the first and second retainers 70, 80 are shown. The first retainer contains a mounting plate 700 with side edges 701 that are inclined downwardly and inwardly. However, the side edges 701 do not taper outwardly from the frame member from bottom to top or from the top to the bottom. In contrast, the side edges 701 remain at a constant distance from the frame member. The second retainer 80 contains an insert plate with two downwardly and inwardly inclined opposite sides 803, 804 that interconnect with the flanges 702 of the first retainer. However, the opposite sides 803, 804 while downwardly and inwardly inclined, also do not taper outwardly from the frame member from bottom to top or from the top to the bottom.

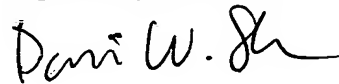
Therefore, Wu does not disclose a pair of side panels with a first means for attaching having a mating surface that tapers outwardly from the side panels from bottom to top. Further, Sawyers also does not disclose a second means for attaching having a mating surface that tapers outwardly from the seat portion from top to bottom. As the Examiner is well aware, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Wu does not disclose all the limitations of claim 15. Therefore, Applicant submits the rejection of claim 15

under §102 based on Wu is improper and should be withdrawn. Such action is respectfully requested.

Therefore, for at least the reasons stated above, claim 15 is believed to be in condition for allowance and it is respectfully requested that the rejection of the claim be withdrawn. As claims 16-18, and 20 depend from independent claim 15, these claims are also believed to be in condition for allowance, at a minimum, by virtue of their dependence from an allowable base claim. Such favorable action is respectfully requested.

Therefore, claims 1-4, 6, 8, 11-18, and 20 are currently pending and believed to be in condition for allowance, and such favorable action is respectfully requested. If any issues remain that would prevent issuance of this application, the Examiner is urged to contact the undersigned by telephone prior to issuing a subsequent action.

Respectfully submitted,



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